

APPLICATION FOR INITIATIVE OR REFERENDUM PETITION SERIAL NUMBER

Secretary of State
1700 W. Washington Street, 7th Floor
Phoenix, AZ 85007

The undersigned intends to circulate and file an INITIATIVE or a REFERENDUM (circle the appropriate word) petition and hereby makes application for the issuance of an official serial number to be printed in the lower right-hand corner of each side of each signature sheet of such petition. Pursuant to Arizona Revised Statutes § 19-111, attached hereto is the full text, in no less than eight point type, of the MEASURE or CONSTITUTIONAL AMENDMENT (circle appropriate word) intended to be INITIATED or REFERRED (circle appropriate word) at the next general election.

SUMMARY: A description of no more than one hundred words of the principal provisions of the proposed law, constitutional amendment or measure that will appear in no less than eight point type on the face of each petition signature sheet to be circulated. Polls show that ninety percent of the U.S. population wants to know if their food was produced using genetic engineering. The United States Congress has previously required that all foods bear labels that reveal material facts to consumers. It is the purpose of this Article to Prevent Consumer Confusion and Deception, Promote Food Safety, Protect Religious and Cultural Practice, Mitigate Environmental Impacts, and Promote Economic Development. This Article is to ensure any food offered for retail sale in Arizona is branded if it is, or may have been, entirely or partly produced with genetic engineering.

Signature of Applicant

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SECRETARY OF STATE June 3 2013 2013 JUN 03 AM 9:15	Date of Application	<u>June 3, 2013</u>
	Signatures Required	<u>179,809 172,809</u>
	Deadline for Filing	<u>July 3, 2014 at 5:00 PM</u>
	Serial Number Issued	<u>I-01-2014</u>
FOR OFFICE USE ONLY		

Revised 11/92

CF# 201400138

June 3 mcb

2013 MAY 30 AM 9:42

AN ACT Relating to disclosure of foods produced through genetic engineering, and prescribing penalties. BE IT ENACTED BY THE PEOPLE OF THE STATE OF ARIZONA—

NEW SECTION. Sec. 1

THE PEOPLE OF THE STATE OF ARIZONA, UPON CONSIDERATION OF AVAILABLE EVIDENCE AND IN LIGHT OF THE RIGHTS OF THE PEOPLE TO LIBERTY AND REASONABLE SAFETY, DO HEREBY FIND AS FOLLOWS:

(1) POLLS CONSISTENTLY SHOW THAT THE VAST MAJORITY OF THE PUBLIC, TYPICALLY MORE THAN NINETY PERCENT, WANT TO KNOW IF THEIR FOOD WAS PRODUCED USING GENETIC ENGINEERING. WITHOUT DISCLOSURE, CONSUMERS OF GENETICALLY ENGINEERED FOOD UNKNOWINGLY MAY VIOLATE THEIR OWN DIETARY AND RELIGIOUS RESTRICTIONS.

(2) U.S. FEDERAL LAW DOES NOT PROVIDE FOR THE NECESSARY AND SATISFACTORY REGULATION OF THE SAFETY AND LABELING OF FOOD THAT CONTAINS GENETICALLY ENGINEERED INGREDIENTS, AS EVIDENCED BY THE FOLLOWING:

(A) U.S. FEDERAL LABELING AND FOOD AND DRUG LAWS DO NOT REQUIRE MANUFACTURERS OF FOOD PRODUCED FROM GENETICALLY ENGINEERED INGREDIENTS TO LABEL SUCH FOOD AS GENETICALLY ENGINEERED;

(B) AS INDICATED BY THE TESTIMONY OF DR. ROBERT MERKER, A U.S. FOOD AND DRUG ADMINISTRATION (FDA) CONSUMER SAFETY OFFICER, TO THE GENERAL ASSEMBLY OF THE STATE OF VERMONT; THE FDA DOES NOT HAVE STATUTORY AUTHORITY TO REQUIRE LABELING OF FOODS PRODUCED WITH GENETIC ENGINEERING.

(C) CURRENTLY, THERE IS NO FEDERAL OR STATE LAW THAT REQUIRES FOOD PRODUCERS TO IDENTIFY WHETHER FOODS WERE PRODUCED USING GENETIC ENGINEERING. AT THE SAME TIME, THE UNITED STATES FOOD AND DRUG ADMINISTRATION DOES NOT REQUIRE SAFETY STUDIES OF SUCH FOODS. UNLESS THESE FOODS CONTAIN A KNOWN ALLERGEN, THE UNITED STATES FOOD AND DRUG ADMINISTRATION DOES NOT REQUIRE THE DEVELOPERS OF GENETICALLY ENGINEERED CROPS TO CONSULT WITH THE AGENCY. CONSULTATIONS WITH THE UNITED STATES FOOD AND DRUG ADMINISTRATION ARE ENTIRELY VOLUNTARY AND THE DEVELOPERS THEMSELVES MAY DECIDE WHAT

June 3 11:26

2013 MAY 31 AM 9:42

INFORMATION THEY MAY WISH TO PROVIDE.

(D) THE FDA HAS ADOPTED A POLICY REGARDING THE LABELING OF FOOD PRODUCED FROM GENETIC ENGINEERING BASED ON A CONCLUSION THAT THESE PRODUCTS ARE GENERALLY REGARDED AS SAFE WITH NO MATERIAL DIFFERENCE FROM CONVENTIONAL PRODUCTS. THE FDA DOES NOT REQUIRE GENETICALLY ENGINEERED FOODS TO BE LABELED AS SUCH.

(E) INSTEAD OF SPECIFICALLY REGULATING THE SAFETY AND LABELING OF FOOD PRODUCED FROM GENETIC ENGINEERING, THE FDA REGULATES GENETICALLY ENGINEERED FOODS IN THE SAME WAY IT REGULATES FOODS DEVELOPED BY TRADITIONAL PLANT BREEDING, BUT, ACCORDING TO DR. JAMES MARYANSKI, FDA BIOTECHNOLOGY COORDINATOR (1985-2008), THE DECISION TO REGULATE GENETICALLY ENGINEERED FOOD IN THIS MANNER WAS A POLITICAL DECISION NOT BASED ON SCIENCE.

(F) UNDER ITS REGULATORY FRAMEWORK, THE FDA DOES NOT TEST THE SAFETY OF GENETICALLY ENGINEERED FOODS INDEPENDENTLY. INSTEAD, MANUFACTURERS SUBMIT SAFETY RESEARCH AND STUDIES, THE MAJORITY OF WHICH THE MANUFACTURERS FINANCE OR CONDUCT.

(G) THERE IS A LACK OF CONSENSUS REGARDING THE VALIDITY OF THE RESEARCH OR SCIENCE SURROUNDING GENETICALLY ENGINEERED FOODS, OR BOTH. THE RESULT IS PUBLIC UNCERTAINTY ABOUT THE NUTRITION, HEALTH, SAFETY, ENVIRONMENTAL IMPACTS, AND THE PROLIFERATION OF GENETIC ENGINEERING TECHNOLOGY THAT IS NOT FULLY UNDERSTOOD OR PROVEN TO BE SAFE.

(H) THERE HAVE BEEN NO LONG-TERM STUDIES IN THE UNITED STATES THAT EXAMINE THE SAFETY FOR HUMAN CONSUMPTION OF GENETICALLY ENGINEERED FOODS.

(3) GENETICALLY ENGINEERED INGREDIENTS ARE INCREASINGLY PRESENT IN FOODS AVAILABLE FOR HUMAN CONSUMPTION, AS EVIDENCED BY THE FACT THAT:

(A) AN ESTIMATED 70 TO 80 PERCENT OF THE PROCESSED FOODS SOLD IN THE UNITED STATES HAVE AT LEAST ONE GENETICALLY ENGINEERED INGREDIENT; AND

June 3 2013
2013 MAY 31 AM 9:42

(B) ACCORDING TO THE U.S. DEPARTMENT OF AGRICULTURE, IN 2011, GENETICALLY ENGINEERED SOYBEANS ACCOUNTED FOR 94 PERCENT OF U.S. SOYBEAN ACREAGE; GENETICALLY ENGINEERED CORN ACCOUNTED FOR 88 PERCENT OF U.S. CORN ACREAGE; AND GENETICALLY ENGINEERED SUGAR BEETS ACCOUNTED FOR 95 PERCENT OF U.S. SUGAR BEET ACREAGE.

(4) GENETICALLY ENGINEERED FOODS HAVE AN EFFECT ON HEALTH, SAFETY, AGRICULTURE, AND THE ENVIRONMENT; AS EVIDENCED BY THE FOLLOWING:

(A) INDEPENDENT STUDIES IN LABORATORY ANIMALS INDICATE THAT THE INGESTION OF GENETICALLY ENGINEERED FOODS MAY LEAD TO HEALTH PROBLEMS SUCH AS GASTROINTESTINAL DAMAGE, LIVER AND KIDNEY DAMAGE, REPRODUCTIVE PROBLEMS, IMMUNE SYSTEM INTERFERENCE, AND ALLERGIC RESPONSES.

(B) TRENDS IN COMMODITY AGRICULTURAL PRODUCTION PRACTICES ARE TOWARD MONOCULTURED CROP PRODUCTION, WHICH MAY RESULT IN GENETIC HOMOGENEITY, LOSS OF BIODIVERSITY, AND INCREASED VULNERABILITY OF CROPS TO PESTS, DISEASES, AND VARIABLE CLIMATE CONDITIONS. GENETICALLY ENGINEERED CROPS ARE ONE TOOL USED IN COMMODITY AGRICULTURAL PRODUCTION.

(C) GENETICALLY ENGINEERED CROPS THAT INCLUDE PESTICIDES MAY ADVERSELY AFFECT POPULATIONS OF BUTTERFLIES AND OTHER NONTARGET INSECTS.

(D) ORGANIC FOOD CERTIFICATION, WHICH IS GENERALLY CONSTRUED NOT TO INCLUDE INGREDIENTS PRODUCED FROM GENETIC ENGINEERING, CAN BE ADVERSELY AFFECTED BY CONTAMINATION FROM GENETICALLY ENGINEERED CROPS.

(E) CROSS-POLLINATION FROM GENETICALLY ENGINEERED CROPS MAY HAVE AN ADVERSE EFFECT ON WILD PLANT SPECIES.

(F) THE PROLIFERATION OF PATENTED GENETICALLY ENGINEERED CROPS REDUCES THE OPTIONS OF FARMERS WHO MAY WANT TO SAVE THEIR OWN SEED.

(5) THE PEOPLE OF THE STATE OF ARIZONA MAINTAIN THE AUTHORITY TO REGULATE THE LABELING OF GENETICALLY ENGINEERED FOODS AS EVIDENCED BY THE FOLLOWING:

June 3 met
2013 MAY 31 AM 9:42

(A) UNDER THE TENTH AMENDMENT TO THE U.S. CONSTITUTION AND THE U.S. SUPREME COURT'S RULING IN *FLORIDA LIME & AVOCADO GROWERS, INC. V. PAUL*, 373 U.S. 132 (1963), STATES MAY REGULATE THE RETAIL SALE OF FOOD IN THE INTEREST OF CONSUMERS WHEN SUCH REGULATION DOES NOT CONFLICT WITH FEDERAL LAW.

(B) UNDER *HOLK V. SNAPPLE BEVERAGE CO.*, 575 F.3D 329 (3D CIR. 2009), THE FEDERAL FOOD, DRUG, AND COSMETIC ACT AND THE FDA POLICY FOR LABELS USING THE WORD "NATURAL" DO NOT PREEMPT STATES FROM REGULATING THE USE OF THE WORD "NATURAL."

(C) THE SUPREME COURT, IN *MILAVETZ, GALLOP & MILAVETZ V. UNITED STATES*, 130 S.C.T. 1324 (2010), REAFFIRMED THE PROPOSITION, FIRST EXPRESSED IN *ZAUDERER V. OFFICE OF DISCIPLINARY COUNSEL*, 471 U.S. 626 (1985), THAT "AN ADVERTISER'S [FIRST AMENDMENT] RIGHTS ARE ADEQUATELY PROTECTED AS LONG AS DISCLOSURE REQUIREMENTS ARE REASONABLY RELATED TO THE STATE'S INTEREST IN PREVENTING DECEPTION OF CONSUMERS."

(D) UNDER CURRENT FIRST AMENDMENT JURISPRUDENCE, EXPRESSED IN *NATIONAL ELECTRIC MANUFACTURERS ASSN. V. SORRELL*, 272 F.3D 104 (2D CIR. 2001), STATES ARE FREE TO COMPEL THE DISCLOSURE OF FACTUAL COMMERCIAL SPEECH AS LONG AS THE MEANS EMPLOYED BY THE STATE ARE RATIONALLY RELATED TO THE STATE'S LEGITIMATE INTEREST.

(E) THE DECISION OF THE U.S. COURT OF APPEALS FOR THE SECOND CIRCUIT IN *INTERNATIONAL DAIRY FOODS ASS'N V. AMESTOY*, 92 F.3D 67 (2D CIR. 1996), IS LIMITED EXPRESSLY TO CASES IN WHICH A STATE DISCLOSURE REQUIREMENT IS SUPPORTED BY NO INTEREST OTHER THAN GRATIFICATION OF CONSUMER CURIOSITY.

(6) MANDATORY IDENTIFICATION OF FOODS PRODUCED WITH GENETIC ENGINEERING CAN PROVIDE A CRITICAL METHOD FOR TRACKING THE POTENTIAL HEALTH EFFECTS OF CONSUMING FOODS PRODUCED THROUGH GENETIC ENGINEERING.

(7) CONSUMERS HAVE THE RIGHT TO KNOW WHETHER THE FOODS THEY PURCHASE WERE PRODUCED WITH GENETIC ENGINEERING. THE GENETIC ENGINEERING OF PLANTS AND ANIMALS IS AN IMPRECISE PROCESS AND OFTEN CAUSES UNINTENDED CONSEQUENCES. MIXING PLANT, ANIMAL, BACTERIAL, AND VIRAL GENES IN COMBINATIONS THAT CANNOT OCCUR IN NATURE PRODUCES RESULTS THAT ARE NOT ALWAYS

June 3 11:46

2013 MAY 31 AM 9:42

PREDICTABLE OR CONTROLLABLE, AND CAN LEAD TO ADVERSE HEALTH OR ENVIRONMENTAL CONSEQUENCES.

(8) FOR MULTIPLE PERSONAL, HEALTH, RELIGIOUS, AND ECONOMIC REASONS; THE CITIZENS OF ARIZONA DESIRE, REQUIRE, AND NECESSITATE THAT FOOD PRODUCED FROM GENETIC ENGINEERING BE LABELED AS SUCH, AS EVIDENCED BY THE FOLLOWING:

(A) UNITED STATES GOVERNMENT SCIENTISTS HAVE STATED THAT THE ARTIFICIAL INSERTION OF GENETIC MATERIAL INTO PLANTS—A TECHNIQUE UNIQUE TO GENETIC ENGINEERING—CAN CAUSE A VARIETY OF SIGNIFICANT PROBLEMS WITH PLANT FOODS. SUCH GENETIC ENGINEERING CAN INCREASE THE LEVELS OF KNOWN TOXICANTS IN FOODS AND INTRODUCE NEW TOXICANTS AND HEALTH CONCERNS

(B) GENETICALLY ENGINEERED PLANTS ARE GENERATED IN A LABORATORY BY ALTERING THEIR GENETIC MAKEUP AND ARE TESTED IN THE LABORATORY FOR DESIRED QUALITIES. THIS IS USUALLY DONE BY ADDING ONE OR MORE GENES TO A PLANT'S GENOME USING GENETIC ENGINEERING TECHNIQUES. MOST GENETICALLY MODIFIED PLANTS ARE GENERATED BY THE BIOLISTIC METHOD (PARTICLE GUN) OR BY AGROBACTERIUM TUMEFACIENS MEDIATED TRANSFORMATION. LABELING FOODS PRODUCED WITH GENETIC ENGINEERING AS "NATURAL," "NATURALLY MADE," "NATURALLY GROWN," "ALL NATURAL," OR OTHER DESCRIPTORS OF SIMILAR SUBSTANCE IS INHERENTLY MISLEADING AND POSES A RISK OF CONFUSING AND DECEIVING CONSUMERS; AND CONFLICTS WITH THE GENERAL PERCEPTION THAT "NATURAL" FOODS ARE NOT GENETICALLY ENGINEERED.

(C) ARIZONA CITIZENS WITH CERTAIN RELIGIOUS BELIEFS OBJECT TO PRODUCING FOODS USING GENETIC ENGINEERING BECAUSE OF OBJECTIONS TO TAMPERING WITH THE GENETIC MAKEUP OF LIFE FORMS AND THE RAPID INTRODUCTION AND PROLIFERATION OF GENETICALLY ENGINEERED ORGANISMS AND, THEREFORE, NEED FOOD TO BE LABELED AS GENETICALLY ENGINEERED IN ORDER TO CONFORM TO RELIGIOUS BELIEFS.

(D) REQUIRING THAT FOODS PRODUCED THROUGH GENETIC ENGINEERING BE LABELED AS SUCH WILL CREATE ADDITIONAL MARKET OPPORTUNITIES FOR THOSE PRODUCERS WHO ARE NOT CERTIFIED AS ORGANIC AND WHOSE PRODUCTS ARE NOT PRODUCED FROM GENETIC

SECRETARY OF STATE
June 3 2013
2013 MAY 31 AM 9:42

ENGINEERING. SUCH ADDITIONAL MARKET OPPORTUNITIES WILL CONTRIBUTE TO THE VIBRANT AND DIVERSIFIED AGRICULTURAL COMMUNITY OF ARIZONA.

(E) LABELING GIVES CONSUMERS INFORMATION THEY CAN USE TO MAKE INFORMED DECISIONS ABOUT WHAT PRODUCTS THEY WOULD PREFER TO PURCHASE.

(9) THE PROCESS OF GENETICALLY ENGINEERING FOODS RESULTS IN THE MATERIAL CHANGE OF THE FOODS. THE UNITED STATES CONGRESS HAS PREVIOUSLY REQUIRED THAT ALL FOODS BEAR LABELS THAT REVEAL MATERIAL FACTS TO CONSUMERS. FEDERAL AGENCIES HAVE FAILED TO UPHOLD CONGRESSIONAL INTENT BY ALLOWING GENETICALLY ENGINEERED FOODS TO BE MARKETED, SOLD AND OTHERWISE USED WITHOUT LABELING THAT REVEALS MATERIAL FACTS TO THE PUBLIC.

(10) THE TOP AGRICULTURAL CROP COMMODITIES IN ARIZONA ARE LETTUCE, COTTON AND HAY. LETTUCE PRODUCTION REPRESENTS 14% OF THE STATE'S TOTAL FARM RECEIPTS. YUMA, ARIZONA IS THE WINTER LETTUCE CAPITAL OF THE WORLD. COTTON PRODUCED 553,950 BALES REPRESENTING 6% OF TOTAL FARM RECEIPTS FOR THE STATE. HAY WAS 5% OF FARM RECEIPTS.

(11) ARIZONA RANKS 2ND NATIONALLY IN IT'S PRODUCTION OF CANTALOUPE & HONEYDEW MELONS, HEAD & LEAF LETTUCE, SPINACH, BROCCOLI, CAULIFLOWER AND LEMONS.

- ARIZONA ALFALFA YIELD LED THE NATION AT 8.3 TONS PER ACRE, COMPARED TO 3.4 TONS NATIONALLY.

- CATTLE & CALVES AND DAIRY GOODS ARE ARIZONA'S MOST VALUABLE FARM PRODUCTS, WITH CATTLE & CALVES REPRESENTING 18% OF TOTAL FARM RECEIPTS AND DAIRY PRODUCTS 20%.

- THERE ARE APPROXIMATELY 1 MILLION HEAD OF CATTLE & CALVES PRODUCING 386 MILLION POUNDS OF BEEF ANNUALLY.

- THERE ARE 186,000 MILK COWS IN THE STATE WITH A YEARLY MILK PRODUCTION OF 23,382 POUNDS PER COW.

- ARIZONA HAS OVER 165,000 HOGS, AND 150,000 HEAD OF SHEEP AND LAMBS.

June 3 met
2013 MAY 31 AM 9:42

- THE STATE HAS, ON AVERAGE, 1,600,000 LAYING HENS WHICH PRODUCE OVER 5.8 BILLION EGGS A YEAR.

(12) IT IS POSSIBLE THAT POLLEN FROM GENETICALLY MODIFIED CROPS CAN SPREAD TO FIELDS CONTAINING NON-GM CROPS. THIS CAN RESULT IN SUPPOSEDLY NON-GM FOODS ACTUALLY CONTAINING MATERIAL FROM GENETICALLY ENGINEERED CROPS. THIS HAS HAPPENED IN AT LEAST ONE WELL-DOCUMENTED CASE; LEADING TO A LENGTHY LEGAL WRANGLE BETWEEN A FARMER AND A WELL-KNOWN GM COMPANY. MANY COMPLEX LEGAL ISSUES INVOLVING COMPENSATION AND OWNERSHIP MAY ARISE. ANOTHER PROBLEM IS POSSIBLE BLURRING OF THE DISTINCTION BETWEEN FOODS THAT HAVE BEEN MODIFIED AND THOSE THAT HAVE NOT, CREATING PROBLEMS FOR CONSUMERS. IT MAY NOT BE CLEAR TO CUSTOMERS EXACTLY WHAT THEY ARE EATING WHEN THEY PURCHASE GM FOODS. PEOPLE WITH AN ALLERGY TO A SPECIFIC INGREDIENT MAY BE UNEXPECTEDLY AFFECTED BY A GM FOOD WHICH CONTAINS THAT SUBSTANCE. VEGETARIANS AND VEGANS MIGHT UNKNOWINGLY EAT PLANT-BASED FOODS CONTAINING GENES THAT ORIGINALLY CAME FROM ANIMALS.

(13) ADDITIONALLY, GENES FOR RESISTANCE TO INSECT PESTS, DISEASES AND HERBICIDES MIGHT SPREAD TO NATIVE PLANTS. POLLEN FROM GM CROPS COULD BE TRANSFERRED BY INSECTS OR WIND TO WILD PLANTS, FERTILIZING THEM AND CREATING NEW, MODIFIED PLANTS. THIS COULD LEAD TO HERBICIDE-RESISTANT WEEDS AND TO THE UNCONTROLLABLE SPREAD OF PLANT SPECIES NORMALLY KEPT IN CHECK BY NATURAL PREDATORS AND DISEASES. THIS MIGHT DAMAGE DELICATE ECOSYSTEMS.

(14) FORTY-NINE COUNTRIES, INCLUDING JAPAN, SOUTH KOREA, CHINA, AUSTRALIA, NEW ZEALAND, THAILAND, RUSSIA, THE EUROPEAN UNION MEMBER STATES, AND OTHER KEY UNITED STATES TRADING PARTNERS, HAVE LAWS MANDATING DISCLOSURE OF GENETICALLY ENGINEERED FOODS ON FOOD LABELS. MANY COUNTRIES HAVE RESTRICTIONS OR BANS AGAINST FOODS PRODUCED WITH GENETIC ENGINEERING.

(15) NO INTERNATIONAL AGREEMENTS PROHIBIT THE MANDATORY IDENTIFICATION OF FOODS PRODUCED THROUGH GENETIC ENGINEERING.

(16) NUMEROUS FOREIGN MARKETS WITH RESTRICTIONS AGAINST FOODS PRODUCED THROUGH GENETIC ENGINEERING HAVE RESTRICTED IMPORTS OF UNITED STATES CROPS DUE TO CONCERNS ABOUT GENETIC ENGINEERING. SOME FOREIGN MARKETS ARE CHOOSING TO PURCHASE AGRICULTURAL PRODUCTS FROM COUNTRIES OTHER THAN THE UNITED STATES BECAUSE GENETICALLY ENGINEERED CROPS ARE NOT IDENTIFIED IN THE UNITED STATES; MAKING IT IMPOSSIBLE FOR BUYERS

June 3 met
2013 MAY 31 AM 9:43

TO DISTINGUISH WHAT DOES OR DOES NOT MEET THEIR NATIONAL LABELING LAWS OR RESTRICTIONS, RENDERING UNITED STATES' PRODUCTS LESS DESIRABLE. TRADE LOSSES ARE ESTIMATED AT BILLIONS OF DOLLARS. MANDATORY IDENTIFICATION OF FOODS PRODUCED WITH GENETIC ENGINEERING CAN BE A CRITICAL METHOD FOR PRESERVING THE ECONOMIC VALUE OF EXPORTS TO MARKETS WITH RESTRICTIONS AND PROHIBITIONS AGAINST GENETIC ENGINEERING.

(17) PRESERVING THE IDENTITY, QUALITY, AND RELIABILITY OF ARIZONA'S AGRICULTURAL PRODUCTS IS OF PRIME IMPORTANCE TO OUR STATE'S FISCAL HEALTH.

(18) THE CULTIVATION OF GENETICALLY ENGINEERED CROPS CAN CAUSE SERIOUS IMPACTS TO THE ENVIRONMENT. FOR EXAMPLE, MOST GENETICALLY ENGINEERED CROPS ARE DESIGNED TO WITHSTAND WEED KILLING HERBICIDES. AS A RESULT, GENETICALLY ENGINEERED CROPS HAVE CAUSED HUNDREDS OF MILLIONS OF POUNDS OF ADDITIONAL HERBICIDES TO BE APPLIED TO THE NATION'S FARMLAND. THE MASSIVE INCREASE IN USE OF THESE HERBICIDES HAS CAUSED EMERGENCE OF HERBICIDE-RESISTANT WEEDS, WHICH HAVE INFESTED FARM FIELDS AND ROADSIDES; COMPLICATING WEED CONTROL FOR FARMERS AND ENCOURAGING USE OF INCREASINGLY TOXIC AND MORE DANGEROUS HERBICIDES. THESE TOXIC HERBICIDES DAMAGE THE VITALITY OF THE SOIL, CONTAMINATE DRINKING WATER SUPPLIES, AND POSE HEALTH RISKS TO CONSUMERS AND FARM WORKERS. THE PUBLIC SHOULD HAVE THE CHOICE TO AVOID PURCHASING FOODS PRODUCED IN WAYS THAT CAN LEAD TO SUCH HARM.

(19) INDUSTRY DATA SHOWS FOODS IDENTIFIED AS PRODUCED WITHOUT GENETIC ENGINEERING—including conventional foods identified this way—are the fastest growing label claim. CONSUMERS HAVE A RIGHT TO AN INFORMED CHOICE AT THE POINT OF SALE.

(20) UNITED STATES DEPARTMENT OF AGRICULTURE DATA SHOWS THAT WHILE TOTAL UNITED STATES FOOD SALES ARE VIRTUALLY STAGNANT, GROWING LESS THAN ONE PERCENT OVERALL; THE ORGANIC FOOD INDUSTRY GREW AT 7.7 PERCENT ACCORDING TO 2010 DATA. SALES OF ORGANIC FRUITS AND VEGETABLES INCREASED ELEVEN AND EIGHT-TENTHS PERCENT; ACCOUNTING FOR APPROXIMATELY TWELVE PERCENT OF ALL UNITED STATES' FRUIT AND VEGETABLE SALES. ORGANIC DAIRY GREW AT NINE PERCENT AND COMPRISES NEARLY SIX PERCENT OF THE TOTAL UNITED STATES DAIRY MARKET. ORGANIC FARMERS ARE PROHIBITED FROM USING GENETICALLY ENGINEERED SEEDS OR LIVESTOCK FEED.

June 3 mab
2018 MAY 31 AM 9:43

(21) TRADE INDUSTRY DATA SHOWS THE ORGANIC INDUSTRY IS CREATING JOBS AT FOUR TIMES THE NATIONAL RATE.

(22) PUBLISHED DATA SHOWS ORGANIC FARMING IS MORE PROFITABLE AND ECONOMICALLY SECURE THAN CONVENTIONAL FARMING OVER THE LONG TERM.

(23) CONVENTIONAL FARMERS HAVE A RIGHT TO CHOOSE WHAT CROPS THEY GROW; AND MANY CONVENTIONAL FARMERS WANT TO GROW TRADITIONAL CROPS DEVELOPED WITHOUT GENETIC ENGINEERING. IDENTIFYING SEEDS AND SEED STOCK PRODUCED WITH GENETIC ENGINEERING WOULD PROTECT FARMERS' RIGHTS TO KNOW WHAT THEY ARE PURCHASING AND PROTECT THEIR RIGHT TO CHOOSE WHAT THEY GROW.

(24) CONVENTIONAL WISDOM HOLDS THAT PLANTS ENGINEERED TO PRODUCE THEIR OWN INSECTICIDE COULD VERY WELL HARM HUMANS. THE FDA DOES NOT REVIEW GENETICALLY ENGINEERED SEEDS OR CROPS THAT MAKE THEIR OWN PESTICIDES IN EVERY CELL, INCLUDING THE PARTS WE EAT. THESE GENETICALLY ENGINEERED FOOD PLANTS ARE REGISTERED AS PESTICIDES WITH THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY (EPA). THE PUBLIC SHOULD HAVE THE CHOICE TO AVOID PURCHASING FOODS MADE FROM PLANTS ENGINEERED TO PRODUCE THEIR OWN INSECTICIDE. CONSUMERS HAVE A RIGHT TO AN INFORMED CHOICE AT THE POINT OF SALE.

(25) BECAUSE BOTH THE FDA AND THE UNITED STATES CONGRESS HAVE FAILED TO REQUIRE THE LABELING OF FOOD PRODUCED WITH GENETIC ENGINEERING, THE PEOPLE OF THE STATE OF ARIZONA HEREBY EXERCISE THEIR AUTHORITY TO REQUIRE FOOD PRODUCED WITH GENETIC ENGINEERING TO BE LABELED AS SUCH IN ORDER TO SERVE THE LEGITIMATE INTERESTS OF THE STATE TO PREVENT INADVERTENT CONSUMER DECEPTION, PROMOTE FOOD SAFETY, RESPECT RELIGIOUS BELIEFS, PROTECT THE ENVIRONMENT, AND PROMOTE ECONOMIC DEVELOPMENT.

NEW SECTION. SEC. 2

IT IS THE PURPOSE OF THIS ARTICLE TO:

(1) *PREVENT CONSUMER CONFUSION AND DECEPTION.* REDUCE CONSUMER CONFUSION AND DECEPTION AND PROMOTE THE DISCLOSURE OF FACTUAL INFORMATION ON FOOD LABELS TO ALLOW CONSUMERS TO MAKE INFORMED DECISIONS.

(2) *PROMOTE FOOD SAFETY.* PROMOTE FOOD SAFETY BY ALLOWING CONSUMERS TO MAKE INFORMED DIETARY DECISIONS WHEN PURCHASING

SECRETARY OF STATE
June 3, 2013
2013 JUN 3 AM 9:43

FOOD, SINCE GENETICALLY ENGINEERED FOOD IS CONSIDERED TO BE RECOGNIZED GENERALLY AS SAFE BY THE U.S. FOOD AND DRUG ADMINISTRATION DESPITE A LACK OF CONSENSUS ABOUT THAT FACT IN THE SCIENTIFIC COMMUNITY, AND SINCE SCIENTIFIC EVIDENCE INDICATES THAT FOODS PRODUCED USING GENETIC ENGINEERING POSE POTENTIAL FOOD SAFETY AND HEALTH ISSUES RELATED TO ALLERGENICITY, ANTIBIOTIC RESISTANCE, IMMUNE RESPONSE, REPRODUCTIVE PROBLEMS, AND LIVER AND KIDNEY DAMAGE.

(3) *PROTECT RELIGIOUS AND CULTURAL PRACTICE.* PROVIDE CONSUMERS WITH DATA FROM WHICH THEY MAY MAKE INFORMED DECISIONS FOR PERSONAL, RELIGIOUS, MORAL, CULTURAL, OR ETHICAL REASONS.

(4) *MITIGATE ENVIRONMENTAL IMPACTS.* ASSIST CONSUMERS IN MAKING INFORMED DECISIONS ABOUT FOOD PURCHASES THAT HAVE POTENTIAL EFFECTS ON THE ENVIRONMENT, INCLUDING:

(A) DISPLACEMENT OF NATIVE FLORA AND FAUNA;

(B) TRANSFER OF UNNATURAL DEOXYRIBONUCLEIC ACID TO WILD RELATIVES AND ORGANIC CROPS;

(C) CREATION OF HERBICIDE-RESISTANT "SUPER WEEDS" AND PESTICIDE-RESISTANT INSECTS; AND

(D) ECOSYSTEM DISRUPTIONS SUCH AS LOSS OF BIODIVERSITY, INCREASED HERBICIDE AND PESTICIDE USE, AND ADVERSE EFFECTS ON NONTARGET INSECTS SUCH AS BUTTERFLIES AND BEES.

(5) *PROMOTE ECONOMIC DEVELOPMENT.* CREATE ADDITIONAL MARKET OPPORTUNITIES FOR THOSE PRODUCERS WHO ARE NOT CERTIFIED ORGANIC AND WHOSE PRODUCTS ARE NOT PRODUCED USING GENETIC ENGINEERING AND ALLOW CONSUMERS TO MAKE INFORMED PURCHASING DECISIONS.

NEW SECTION. SEC. 3.

DEFINITIONS. THE DEFINITIONS IN THIS SECTION APPLY THROUGHOUT THIS ARTICLE UNLESS THE CONTEXT CLEARLY REQUIRES OTHERWISE.

(1) "DEPARTMENT" MEANS THE DEPARTMENT OF HEALTH SERVICES.

(2) "ENZYME" MEANS A PROTEIN THAT CATALYZES CHEMICAL REACTIONS OF OTHER SUBSTANCES WITHOUT ITSELF BEING DESTROYED OR ALTERED UPON COMPLETION OF THE REACTIONS.

June 3 met

2013 MAY 31 AM 9:43

(3)(A) "GENETICALLY ENGINEERED" MEANS ANY FOOD THAT IS PRODUCED FROM AN ORGANISM OR ORGANISMS IN WHICH THE GENETIC MATERIAL HAS BEEN CHANGED THROUGH THE APPLICATION OF:

(I) IN VITRO NUCLEIC ACID TECHNIQUES INCLUDING RECOMBINANT DEOXYRIBONUCLEIC ACID TECHNIQUES AND THE DIRECT INJECTION OF NUCLEIC ACID INTO CELLS OR ORGANELLES. IN VITRO NUCLEIC ACID TECHNIQUES INCLUDE, BUT ARE NOT LIMITED TO, RECOMBINANT DEOXYRIBONUCLEIC ACID OR RIBONUCLEIC ACID TECHNIQUES THAT USE VECTOR SYSTEMS AND TECHNIQUES INVOLVING THE DIRECT INTRODUCTION INTO THE ORGANISMS OF HEREDITARY MATERIAL PREPARED OUTSIDE THE ORGANISMS, SUCH AS MICRO-INJECTION, MACRO-INJECTION, CHEMOPORATION, ELECTROPORATION, MICRO-ENCAPSULATION, AND LIPOSOME FUSION; OR

(II) FUSION OF CELLS, INCLUDING PROTOPLAST FUSION, OR HYBRIDIZATION TECHNIQUES THAT OVERCOME NATURAL PHYSIOLOGICAL, REPRODUCTIVE, OR RECOMBINATION BARRIERS, WHERE THE DONOR CELLS OR PROTOPLASTS DO NOT FALL WITHIN THE SAME TAXONOMIC FAMILY, IN A WAY THAT DOES NOT OCCUR BY NATURAL MULTIPLICATION OR NATURAL RECOMBINATION.

(B) FOR THE PURPOSES OF SUBSECTION (A) OF THIS SECTION, "ORGANISM" MEANS ANY BIOLOGICAL ENTITY CAPABLE OF REPLICATION, REPRODUCTION, OR TRANSFERRING GENETIC MATERIAL.

(4) "PROCESSED FOOD" MEANS ANY FOOD OTHER THAN A RAW AGRICULTURAL COMMODITY AND INCLUDES ANY FOOD PRODUCED FROM A RAW AGRICULTURAL COMMODITY THAT HAS BEEN SUBJECT TO PROCESSING SUCH AS CANNING, SMOKING, PRESSING, COOKING, FREEZING, DEHYDRATION, FERMENTATION, OR MILLING.

(5) "PROCESSING AID" MEANS:

(A) A SUBSTANCE THAT IS ADDED TO A FOOD DURING THE PROCESSING OF THE FOOD BUT IS REMOVED IN SOME MANNER FROM THE FOOD BEFORE IT IS PACKAGED IN ITS FINISHED FORM;

(B) A SUBSTANCE THAT IS ADDED TO A FOOD DURING PROCESSING, IS CONVERTED INTO CONSTITUENTS NORMALLY PRESENT IN THE FOOD, AND DOES NOT SIGNIFICANTLY INCREASE THE AMOUNT OF THE

June 3 mib
2013 MAY 31 AM 9:43

CONSTITUENTS NATURALLY FOUND IN THE FOOD; OR

(C) A SUBSTANCE THAT IS ADDED TO A FOOD FOR ITS TECHNICAL OR FUNCTIONAL EFFECTS IN THE PROCESSING BUT IS PRESENT IN THE FINISHED FOOD AT INSIGNIFICANT LEVELS AND DOES NOT HAVE ANY TECHNICAL OR FUNCTIONAL EFFECT IN THAT FINISHED FOOD.

(6) "RAW AGRICULTURAL COMMODITY" HAS THE SAME MEANING AS DEFINED BY 21 U.S.C. SEC. 321.

NEW SECTION. SEC. 4.

(1) BEGINNING JULY 1, 2016, ANY FOOD OFFERED FOR RETAIL SALE IN ARIZONA IS MISBRANDED IF IT IS, OR MAY HAVE BEEN, ENTIRELY OR PARTLY PRODUCED WITH GENETIC ENGINEERING AND THAT FACT IS NOT DISCLOSED AS FOLLOWS:

(A) IN THE CASE OF A RAW AGRICULTURAL COMMODITY, ON THE PACKAGE OFFERED FOR RETAIL SALE, WITH THE WORDS "GENETICALLY ENGINEERED" STATED CLEARLY AND CONSPICUOUSLY ON THE FRONT OF THE PACKAGE OF SUCH A COMMODITY, OR IN THE CASE OF SUCH A COMMODITY THAT IS NOT SEPARATELY PACKAGED OR LABELED, ON A LABEL APPEARING ON THE RETAIL STORE SHELF OR BIN WHERE SUCH A COMMODITY IS DISPLAYED FOR SALE;

(B) IN THE CASE OF ANY PROCESSED FOOD, ON THE FRONT OF THE PACKAGE OF SUCH FOOD PRODUCED BY A MANUFACTURER, WITH THE WORDS "PARTIALLY PRODUCED WITH GENETIC ENGINEERING" OR "MAY BE PARTIALLY PRODUCED WITH GENETIC ENGINEERING" STATED CLEARLY AND CONSPICUOUSLY; AND

(C) IN THE CASE OF ANY SEED OR SEED STOCK, ON THE SEED OR SEED STOCK CONTAINER, SALES RECEIPT OR ANY OTHER REFERENCE TO IDENTIFICATION, OWNERSHIP, OR POSSESSION, WITH THE WORDS "GENETICALLY ENGINEERED" OR "PRODUCED WITH GENETIC ENGINEERING" STATED CLEARLY AND CONSPICUOUSLY.

(2) SUBSECTIONS (1) AND (3) OF THIS SECTION DO NOT REQUIRE EITHER THE LISTING OR IDENTIFICATION OF ANY INGREDIENT OR INGREDIENTS THAT WERE GENETICALLY ENGINEERED, NOR THAT THE TERM "GENETICALLY ENGINEERED" BE PLACED IMMEDIATELY PRECEDING ANY COMMON NAME OR PRIMARY PRODUCT DESCRIPTOR OF A FOOD.

SECRETARY OF STATE

June 3 mcb

2013 MAY 31 AM 9:43

(3) SUBSECTION (1) OF THIS SECTION DOES NOT APPLY TO ANY OF THE FOLLOWING:

(A) FOOD CONSISTING ENTIRELY OF, OR DERIVED ENTIRELY FROM, AN ANIMAL THAT HAS NOT ITSELF BEEN GENETICALLY ENGINEERED, REGARDLESS OF WHETHER THE ANIMAL HAS BEEN FED OR INJECTED WITH ANY FOOD PRODUCED WITH GENETIC ENGINEERING OR ANY DRUG THAT HAS BEEN PRODUCED THROUGH MEANS OF GENETIC ENGINEERING;

(B) A RAW AGRICULTURAL COMMODITY OR FOOD THAT HAS BEEN GROWN, RAISED, PRODUCED, OR DERIVED WITHOUT THE KNOWING AND INTENTIONAL USE OF GENETICALLY ENGINEERED SEED OR FOOD. TO BE INCLUDED WITHIN THE EXCLUSION UNDER THIS SUBSECTION, THE PERSON SUPPLYING A RAW AGRICULTURAL COMMODITY OR FOOD MUST PROVIDE A SWORN STATEMENT THAT THE RAW AGRICULTURAL COMMODITY OR FOOD:

(I) HAS NOT BEEN KNOWINGLY OR INTENTIONALLY PRODUCED THROUGH GENETIC ENGINEERING; AND

(II) HAS BEEN SEGREGATED FROM, AND HAS NOT BEEN KNOWINGLY OR INTENTIONALLY COMMINGLED WITH, FOODS THAT MAY HAVE BEEN GENETICALLY ENGINEERED AT ANY TIME. IN PROVIDING SUCH A SWORN STATEMENT, A PERSON MAY RELY ON A SWORN STATEMENT FROM HIS OR HER OWN SUPPLIER THAT CONTAINS SUCH AN AFFIRMATION;

(C) FOOD THAT AN INDEPENDENT ORGANIZATION HAS DETERMINED HAS NOT BEEN KNOWINGLY AND INTENTIONALLY PRODUCED FROM OR COMMINGLED WITH GENETICALLY ENGINEERED SEED OR GENETICALLY ENGINEERED FOOD, PROVIDED THAT SUCH A DETERMINATION HAS BEEN MADE PURSUANT TO A SAMPLING AND TESTING PROCEDURE APPROVED FOR THIS PURPOSE IN RULES ADOPTED BY THE DEPARTMENT. THESE RULES MAY NOT APPROVE A SAMPLING AND TESTING PROCEDURE UNLESS IT IS CONSISTENT WITH SAMPLING AND TESTING PRINCIPLES RECOMMENDED BY INTERNATIONALLY RECOGNIZED STANDARDS ORGANIZATIONS, SUCH AS THE INTERNATIONAL STANDARDS ASSOCIATION AND THE GRAIN AND FEED TRADE ASSOCIATION. NO TESTING PROCEDURE MAY BE APPROVED BY THE DEPARTMENT UNLESS:

(I) IT DOES NOT RELY ON TESTING PROCESSED FOODS IN WHICH NO DEOXYRIBONUCLEIC ACID IS DETECTABLE; AND

(II) IT IS CONSISTENT WITH THE MOST RECENT "GUIDELINES ON PERFORMANCE CRITERIA AND VALIDATION OF METHODS

June 3 *mlb*
2018 MAY 31 AM 9:43

FOR DETECTION, IDENTIFICATION AND QUANTIFICATION OF
SPECIFIC DNA SEQUENCES AND SPECIFIC PROTEINS IN FOODS"
(CAC/GL 74, 2010) PUBLISHED BY THE CODEX ALIMENTARIUS
COMMISSION;

(D) FOOD THAT HAS BEEN LAWFULLY CERTIFIED TO BE LABELED,
MARKETED, AND OFFERED FOR SALE AS "ORGANIC" PURSUANT TO
THE FEDERAL ORGANIC FOODS PRODUCTION ACT OF 1990 AND THE
REGULATIONS PROMULGATED PURSUANT THERETO BY THE UNITED
STATES DEPARTMENT OF AGRICULTURE;

(E) FOOD THAT IS NOT PACKAGED FOR RETAIL SALE AND IS MEDICAL
FOOD, AS THAT TERM IS DEFINED IN 21 U.S.C. § 360EE(B)(3).

NEW SECTION. SEC. 5.

THE DEPARTMENT MAY ADOPT RULES NECESSARY TO IMPLEMENT THIS
ARTICLE, PROVIDED THAT THE DEPARTMENT IS NOT AUTHORIZED TO
CREATE ANY EXEMPTIONS BEYOND THOSE PROVIDED IN SECTION 3 OF
THIS ARTICLE.

NEW SECTION. SEC. 6.

(1) THE DEPARTMENT, ACTING THROUGH THE ATTORNEY GENERAL, MAY
BRING AN ACTION IN A COURT OF COMPETENT JURISDICTION TO ENJOIN
ANY PERSON VIOLATING THIS ARTICLE.

(2) THE DEPARTMENT MAY ASSESS A CIVIL PENALTY AGAINST ANY
PERSON VIOLATING THIS ARTICLE IN AN AMOUNT NOT TO EXCEED ONE
THOUSAND DOLLARS PER DAY. EACH DAY OF VIOLATION IS CONSIDERED
A SEPARATE VIOLATION.

(3) THE COURT MAY AWARD THE GOVERNMENT PLAINTIFF REASONABLE
COSTS AND ATTORNEYS' FEES INCURRED IN INVESTIGATING AND
PROSECUTING AN ACTION TO ENFORCE THIS ARTICLE.

NEW SECTION. SEC. 7.

SECTIONS 1 THROUGH 6 OF THIS ACT CONSTITUTE A NEW ARTICLE IN
TITLE 36, CHAPTER 8 OF THE REVISED STATUTES.

NEW SECTION. SEC. 8.

SEVERABILITY. IF ANY PROVISION OF THIS ARTICLE OR ITS APPLICATION TO
ANY PERSON OR CIRCUMSTANCE IS HELD INVALID OR IN VIOLATION OF THE
CONSTITUTION OR LAWS OF THE UNITED STATES OR IN VIOLATION OF THE
CONSTITUTION OR LAWS OF ARIZONA; THE INVALIDITY OR THE VIOLATION

SECRETARY OF STATE

June 3 mab

2013 ~~MAY 31~~ AM 9:43

SHALL NOT AFFECT OTHER PROVISIONS OF THIS SECTION WHICH CAN BE
GIVEN EFFECT WITHOUT THE INVALID PROVISION OR APPLICATION, AND TO
THIS END, THE PROVISIONS OF THIS SECTION ARE SEVERABLE.